Winter is (no longer) coming

The impact of the Arctic melt on Inuit peoples

Völkerrechtsblog 2019-06-21T10:50:48

Climate Change is an all-engulfing global challenge, triggering its share of fear, skepticism and most recently outright denial. This reality is alarming. An IPCC special report warns of global temperatures rising 1.5 degrees centigrade above pre-industrial levels. By 2080, the Arctic Summer Sea Ice is expected to disappear completely. Unfortunately, States continue to ignore the horrifying prospect of a vanishing arctic, and its impact on the lives of the Arctic Inuit.

Humans have lived along the coastlines of the Arctic Ocean for thousands of years, far preceding the origin of State boundaries. However, the advent of geopolitical expansionism has shattered the peaceful lives of the Inuit population ever since, trapping them today between national borders.The Arctic Climate Impact Assessment (ACIA) records alarming vulnerabilities affecting both the Inuit and the Arctic Environment. The heightened race to the previously isolated Arctic in particular has opened up an enormous potential for polar exploitation. Exploring the Inuit narrative reveals the symbiotic relationship the community maintains with flora and fauna through multiple facets of their lifestyle. *First*, traditions like hunting guarantee sustainable food exploitation while ensuring nutritional security for the Inuit. *Second*, such traditional activities help foster socio-environmental relationships and preserve cultural identities of indigenous societies. Seal hunting, for instance, is not only a livelihood but also an important part of Inuit cultures as a coming-of-age-practice. In the Arctic, most subsistence activities have been a part of the indigenous culture for centuries. Therefore, any inability to access their traditional foods leads to a loss of culture, vitality and damage to their physical and emotional health. Unfortunately, most international instruments and their construction of human rights fail to recognize this, though instruments like the United Nations Declaration on the Rights of Indigenous Peoples are a step forward. Cases like *Delgamuukw vs. British Columbia* in Canada also show that the international community has come a long way in recognising such a continuum of aboriginal rights.

The variety of domestic responses to the challenges faced by the Inuit determines their ability to respond to climate change concerns. In Canada, with the thawing of permafrost the change in the physical environment has challenged traditional Inuit knowledge and ability to predict and survive environmental change. The Canadian government, albeit slowly, has provided crucial support to alleviate those challenges. In contrast, the Russian Arctic has been damaged more by man-made causes other than climate change – with the government's blessing. New industries have destroyed reindeer pastures and commercial exploitation and fires have rapidly degraded the Tundra, to name some ground-level impacts. As a result, poverty and unemployment in indigenous settlements have sharply increased, severely affecting standards of living.

The underpinnings of State responses can be traced to the dichotomy between precept and practice and can be explored along historical and socio-political dimensions. In its *Re-Eskimo* verdict the Canadian Supreme Court held that the Inuit fall under the Canadian government's jurisdiction and are thus entitled to its protection. Contrastingly, the Russian Yuits still do not have the same legal protection or opportunities of integration. The transition to a market economy in post-Soviet Russia has led to exploitative practices in the Tundra which were in turn exacerbated by a lack of adequate legal reforms to cushion the impact of the transition. Smaller Russian districts like Habarov Kray report abysmal rates of destitution of up to 80%. At a socio-political level, both Canada and Russia were guilty of top down approaches without mechanisms for Inuit participation. The difference lies in governmental responsiveness to Inuit concerns. The revocation of E-numbered discs (numbered identification tags each Inuit was made to wear, often used instead of their names to address them) in Canada versus continued high levels of organic pollutants and heavy machinery in the Russian Tundra tell different stories of accommodation and participation. The Canadian government, prodded by the courts, did reform its politics by providing Inuit with increased political participation in local government. Meanwhile, despite Russia's seemingly favourable posturing at UNEP and its ratification of the Kyoto Protocol, Yuits lost access to their lands and resources without gaining adequate political opportunities.

An exploration of this geo-political reality reveals chinks in the rights narrative. Inuit political leaders have long argued for climate change to be treated as a fundamental human rights issue. Subsequently, they petitioned the Inter-American Commission on Human Rights against the substantial emissions of the United States. Among other international instruments, particularly Article 27 of the ICCPR grants the Inuit the right to their traditional way of life. The Human Rights Committee in its General Comment observed that this right includes an affirmative obligation on States to protect the environment. The Committee in cases such as *Lubicon lake band vs. Canada* and the Inter-American Commission on Human Rights in *Yanomami Indians vs. Brazil* have consistently upheld such rights.

Though the Inuit bear the direct consequences of climate change, without *State* status they cannot participate effectively in global decision-making impacting the environment due to lack of opportunities, political will and enabling treaties. This often places them on the same footing as interest-based constituencies such as environmental and industrial associations even though they are a people.

Therefore, it is imperative to re-evaluate existing structures of international governance. The introduction of the Inuit to the Arctic Council could mark a way forward. Inuit as permanent treaty participants, and not mere observers, can be a solution to include affected stakeholders in decision-making across international compacts, while States retain their sovereignty. Changes like these can ensure the Inuit gain a voice that echoes from the margins to the mainstream and reclaim their place in the cold corners of civilization.

Arushi Nayar is an undergraduate student at the National Academy of Legal Studies and Research (NALSAR University), Hyderabad, India.

Cite as: Arushi Nayar, “Winter is (no longer) Coming. The impact of the Arctic melt on Inuit peoples”, *Völkerrechtsblog*, 21 June 2019.
